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C O N F I D E N T I A L ZAGREB 001402

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SUBJECT: ICTY/CROATIA: GOTOVINA DISCUSSION CONTINUES

REF: ZAGREB 1342

CLASSIFIED BY: POLOFF MITCH BENEDICT FOR REASONS 1.5 (B) AND (D)

#### SUMMARY

11. (C) POLITICAL OBSERVERS IN ZAGREB BELIEVE THAT CONDITIONS MAY SOON BE CREATED WHEREBY ICTY PIFWC ANTE GOTOVINA COULD SURRENDER TO LOCAL AUTHORITIES FOR FURTHER TRANSFER TO THE HAGUE. THE LOCAL ICTY REPRESENTATIVE TOLD US JUNE 18 THAT RECENT MOVES TAKEN BY GOTOVINA HIMSELF AND PRESIDENT MESIC COULD BE THE OPENING STEPS IN A SET-PIECE DRAMA WHERE THE LAST ACT IS GOTOVINA'S SURRENDER AND SUBSEQUENT TRANSFER TO ICTY. END SUMMARY.

#### EXCHANGE OF LETTERS

12. (C) ON JUNE 12, PRESIDENT MESIC SENT A LETTER TO ICTY CHIEF PROSECUTOR CARLA DEL PONTE OFFERING TO GUARANTEE THE AVAILABILITY OF PIFWC ANTE GOTOVINA IF ICTY WOULD BE WILLING TO INTERVIEW HIM AS A "SUSPECT" IN ZAGREB RATHER THAN INSIST ON HIS TRANSFER TO THE HAGUE. ALSO ON JUNE 12, MESIC'S OFFICE TOLD THE PRESS THAT THE PRESIDENT HAD MADE NEW DOCUMENTS AVAILABLE TO PM RACAN'S CABINET THAT SHOW GOTOVINA WAS NOT RESPONSIBLE FOR THE CLEANSING OF ETHNIC SERBS FROM THE KRAJINA REGION OF CROATIA DURING "OPERATION STORM." FRANE KRNIC, HEAD OF THE GOC OFFICE FOR COOPERATION WITH ICTY, TOLD THE PRESS THAT THE GOVERNMENT HAD LONG AGO MADE THE DOCUMENTS AVAILABLE TO ICTY.

13. (C) THOMAS OSARIO, HEAD OF THE ICTY OFFICE IN ZAGREB, CONFIRMED TO US THAT THE SIX DOCUMENTS PROVIDED CONTAIN NO NEW INFORMATION, BUT WERE SIGNIFICANT BECAUSE THEY CAME FROM THE PRESIDENTIAL ARCHIVES, AND THEY CONTAINED BOTH EXCULPATORY AND INCRIMINATING EVIDENCE. ON JUNE 17 DEL PONTE RESPONDED TO MESIC IN A DRY AND FACTUAL LETTER SHE WROTE HERSELF IN WHICH SHE GAVE MESIC NO ROOM FOR POLITICAL MANEUVERING. SHE SAID WITHDRAWAL OF THE INDICTMENT IS NOT POSSIBLE, AND THE "ONLY SOLUTION" IS FOR GOTOVINA TO SURRENDER VOLUNTARILY OR BE ARRESTED AND TRANSFERRED TO THE HAGUE AND TO APPEAR BEFORE THE COURT. DEPUTY PRIME MINISTER GRANIC ANNOUNCED THAT THE GOC WOULD RESPECT THE LAW OF THE LAND; IF GOTOVINA PRESENTS HIMSELF, THE GOC WILL HAVE HIM ARRESTED, EVEN IF THE ARREST TAKES PLACE AT PANTOVCAK (MESIC'S RESIDENCE).

14. (C) MESIC'S INTERVENTION ON BEHALF OF GOTOVINA HAS GIVEN HIM A POLITICAL BOOST, AND WAS A SOLID SWIPE AT THE HDZ'S FIRM GRASP ON THE POLITICAL RIGHT. THE HDZ HAD USED GOTOVINA, WIDELY ACCLAIMED AND ACCEPTED AS A WAR HERO, AS A SYMBOL OF OPPOSITION TO COOPERATION WITH ICTY. WHATEVER THE REASONS -- PRESSURE FROM SFOR IN BOSNIA, INTENSIFIED ACTION ON THE PART OF THE CROATIAN POLICE, OR THE ARREST OF RAJIC AND THE SUBSEQUENT INVESTIGATION OF THE CIRCUMSTANCES OF HIS HIDING AND WHO WAS ABETTING IT -- GOTOVINA HAS NOW DELINKED HIS FUTURE FROM THE POLITICAL RIGHT AND HAS EFFECTIVELY PLACED MESIC AT THE HELM OF HIS DEFENSE. FOR THE PAST YEAR, MESIC HAS BEEN CALLING FOR GOTOVINA TO TURN HIMSELF IN. MESIC HAS POSITIONED HIMSELF WELL; BY PICKING UP THE MANTEL ON GOTOVINA, HE UNDERCUTS THE MODERATE RIGHT BY PROCLAIMING THAT THE HDZ MISUSED GOTOVINA, WHILE AT THE SAME TIME HE CAN DEMONSTRATE COOPERATION WITH ICTY AND RESPECT FOR THE LAW. THE PRESS IS SPECULATING THAT, IF HE SUCCEEDS, MESIC IS NOW CERTAIN TO WIN THE NEXT PRESIDENTIAL ELECTION.

15. (C) OSARIO TOLD US THE EXCHANGE OF LETTERS AND THE PROVISION OF DOCUMENTS FROM THE PRESIDENTIAL ARCHIVES (DOCUMENTS FROM THE TUDJMAN ARCHIVES), DESPITE THE FACT THEY CONTAIN NO NEW INFORMATION, REPRESENT A SEA CHANGE IN THE CASE. "WE HAVE GONE FROM A VACUUM TO NOW MOVEMENT," HE SAID, NOTING THAT GOTOVINA'S LAWYERS HAVE NEVER ONCE BEEN IN DIRECT CONTACT WITH THE ICTY OFFICE. THE DISCUSSION MAY NOW EVOLVE THROUGH THE PRESS, BUT THE MODALITIES OF GOTOVINA'S ARREST AND TRANSFER ARE AT LEAST NOW BEING DISCUSSED. OSARIO DECLINED TO PREDICT WHEN GOTOVINA MIGHT SHOW UP IN THE HAGUE, THOUGH HE ASSERTED THAT THERE IS "NO WAY BACK."

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